



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

WHY JURIES REFUSE TO CONVICT

change the early environment of the children most prone to develop into the adult criminal; in supervision and control of the homes of incarcerated criminals; and if necessary, the commission of their children to special institutions for moral education and to alleviate the distress occasioned by the incarceration of the father. Second, so to reconstruct our penal laws as to place them abreast of the latest development in penological thought." J. W. G.

Why Juries Refuse to Convict.—Judge McKenzie Cleland, of the Chicago Municipal Court, gives the following reasons why juries refuse to convict in criminal cases:

"We have too much crime in this country. The daily press contains much criminal news, although little is printed unless it is of a sensational nature. Most crimes are now so common as to be deemed unworthy of notice by the papers. Statistics show that crime is increasing much faster than our population, and this would indicate that there is something radically wrong with our method of treating the criminal. This is usually assumed to be in our failure to punish him speedily and severely. It is true that it is difficult nowadays to convict persons charged with crime. About three out of four persons held to the criminal court by the Municipal Court judges in Chicago are freed by the juries before which they are tried. It is apparent that the reason for this is the sympathy of jurors—not with crime, as is sometimes charged—but with men convicted of crime and with their families.

"The consequences of imprisonment are so disastrous that juries hesitate long before visiting them upon their fellowmen, and the more highly organized society becomes the more disastrous and far-reaching become the effects of a prison term. An ex-convict can no longer remove to another country or state and begin life over again. Modern inventions, like the railroad and the camera and the newspaper, have made this impossible, and as a result these men are forced into the ranks of the professional criminal, of whom it is estimated we have more than 100,000 in this country.

"There would seem to be something radically wrong with the system of government which compels a man to commit crime for a living or which permits such a thing as a professional criminal to be at liberty, and yet this is the undoubted result of our present system of punishing offenders. Even granting that men are reformed by punishment, which few believe, nevertheless what benefit is it to society if he is thereby made an outcast and compelled to again violate the law? It follows therefore that the prison should not be the first but the last resort in the treatment of the criminal, and the reason for an offender's imprisonment should be—not punishment, but protection to society from his acts. This would result not in shortening prison terms, but in lengthening them. We all know that most men who violate the law do so as a result of their environment and not from any desire to commit crime. In the great majority of such cases the wrongdoer can be reformed by removing the cause. I can conceive of no greater wrong to society than to imprison unfortunates just long enough to ruin them and then turn them out to commit crime. This process is now being applied to about five hundred thousand men every year in our country, and yet we wonder why crime is increasing!

"If the power and intelligence of the courts were applied to ascertain, in each individual case, the cause of the wrongdoer's act, and then remove such cause—which is entirely possible in a very large majority of the cases—these men could

IDENTIFICATION BY FINGER PRINTS.

be saved to their families and to society. If this were to be the results of the trial, juries would convict where they now acquit, and, in fact, many offenders would save the state the cost of such trials by pleading guilty in order to get the help which they need, and most of them want, to enable them to become law-abiding citizens. This is probation; an opportunity to reform without imprisonment, thus saving intact the offender's capital, preserving his reputation and self respect, and teaching him that the law is not his enemy to revenge itself upon him, but is his friend to help him to become a good citizen and a useful member of society. It is to secure the passage of laws requiring this that the National Probation League is formed.

"Twenty states have already passed adult probation laws and thirty states have passed juvenile probation laws and when the others follow and the courts are educated to appreciate the importance of this principle in the treatment of delinquents we will experience a marked diminution of crime. There is less crime in Germany than here. This is also true of Great Britain and other European countries, but this is due not so much to their laws (although Parliament has lately adopted a Probation Act) as to their ability to send their habitual criminals to America. A committee of Congress some years ago found this was being systematically done by many European Governments and while our Government endeavors to prevent this, it has not yet been successful." J. W. G.

Identification of Criminals by Means of Finger Prints.—The Boston police authorities, says the *Transcript*, have recently established the most efficient and up-to-date finger print system in the country. Every country in Europe, it adds, is now using the finger print system in connection with the Bertillon method of measurement. There are now at police headquarters over 4,000 cards in the filing cabinet containing prints from Italy, France and England, besides many from all parts of the United States. Describing the system, the *Transcript* says:

"One of the greatest advantages of the finger print system is in tracing criminals. Practically every thief, burglar, murderer and bank robber leaves behind him somewhere an impression of at least one or two of his fingers. The imprint may be found on the window pane, on a bit of plated silver, a drinking glass, a piece of furniture, a cash box or a candlestick. Some are so plain that the designs can be made out with the naked eye. Others are latent prints and can be photographed after they are sprinkled with a white, red or black special powder. The impressions are then taken to where the files are kept, and, as criminals are a class, the card of the guilty man, telling who he is and what his record has been, can be found. Thus the thief or murderer is known before he is caught.

"If, however, there is no previous record against the man, nevertheless the finger prints he left behind him are of great value. As soon as a man is arrested on the suspicion that he is the man wanted, he can be identified as the criminal or not. Time and time again the detectives in New Scotland Yard and in India have found latent prints and caught the guilty parties within twenty-four hours of the crime. It is done more in England and her colonies than in the United States, because the system has been established there longer. It is only in its infancy here. Up to the present time the Boston police have only used the Bertillon system as a means of identification, but now that the finger prints are all filed both systems will be employed.